

PATENT  
ATTORNEY DOCKET NO.: 057309-5004-US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: CONTINUATION Patent Application of:      )  
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BARGATZE, et al.                                      )  
                                                            )  
Prior Application No.: 09/068,935                    )  
                                                            ) Group Art Unit: 1644  
Prior Filing Date: November 23, 1998                )  
                                                            )  
Filed: February 19, 2004                              ) Examiner: P. Gambel, Ph.D.  
                                                            )  
For:    THERAPEUTIC AND DIAGNOSTIC                )  
      AGENTS FOR THE TREATMENT OF                )  
      MICROBIAL INFECTIONS                            )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Non-Fee Amendment  
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Arlington, VA 22202

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Forms PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicants respectfully request that the references previously submitted in parent Application No. 09/068,935 be made a part of this application and considered accordingly.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such

document. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R.

§ 1.136(a)(3).

Respectfully Submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 19, 2004

By:



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FORM PTO-1449 (modified)  
 To: U.S. Department of Commerce  
 (PW FORM PAT-1449)  
 Patent and Trademark Office

Atty.  
 Dkt. No.

M# .

Client Ref.

057309-5004-US02

LPI#9

Applicant: BARGATZE ET AL

Appln. No.: Continuation of 09/068,935

Filing Date: February 19, 2004

Examiner: Gambel, Ph.D. | Group Art Unit: 1644

Date: February 19, 2004

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**U.S. PATENT DOCUMENTS**

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
AR	5,460,945	10/1995	Springer et al.	435	7.24	
BR	5,523,238	06/1996	Varon et al.	436	69	
CR	5,578,309	11/1996	Cutler et al.	424	274.1	
DR	5,599,688	02/1997	Grass et al.	435	29	
ER	5,962,422	10/1999	Nagy et al.	514	25	
FR	5,985,852	11/1999	Nagy et al.	514	54	
GR	5,081,034	01/1992	Bevilacqua et al.			

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM/YYYY	Country	Inventor Name		English Abstract	Translation Readily Available
						Enclosed	No
HR	WO 94/05269	03/1994		Heavner et al.			
IR	WO 92/02817	02/1992		Krivan et al.			

**OTHER** (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

JR	Bargatze et al., J. Immunol., 152:5814-5825 (1994)
KR	Bargatze et al., J. Exp. Med., 180:1785-1792 (1994)
LR	Berg et al., Nature, 366:695-698 (1993)
MR	Brawner et al., Infect. Immun., 51:327-336 (1986)
NR	Busscher et al., Methods in Enzymology, 253:455-476 (1995)
OR	Butcher et al., Science, 272:60-66 (1996)
PR	Dallo et al., J. Exp. Med., 167:718-723 (1988)
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RR	Favre-Bonte et al., Infect. Immun., 63:1318-1328 (1995)
SR	Fratamico et al., J. Med. Micro., 39:371-381 (1993)
TR	Fukayama et al., Infect. Immun., 59:1341-1345 (1991)
UR	Glee et al., Infect. Immun., 69:2815-2820 (2001)
VR	Han et al., Infect. Immun., 63:2714-2719 (1995)
WR	Hazen et al., J. Microbiol. Methods, 6:289-299 (1987)
XR	Horuk, Immunol. Today, 15:169-174 (1994)
YR	Junkins et al., Curr. Microbiol., 19:21-27 (1989)
ZR	Jutila, Adv. Pharmacol., 25:235-262 (1994)

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified) To: U.S. Department of Commerce (PW FORM PAT-1449) Patent and Trademark Office	Atty. Dkt. No.	M#	Client Ref.
		057309-5004-US02	LPI#9
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Applicant: BARGATZE ET AL		
	Appln. No.: Continuation of 09/068,935		
	Filing Date: February 19, 2004		
	Examiner: Gambel, Ph.D.   Group Art Unit: 1644		

Date: February 19, 2004

Page **2** of **2****OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)**

AR	Jutila et al., J. Immunol., 153:3917-3928 (1994)
BR	Kanbe et al., Infect. Immun., 61:2578-2584 (1993)
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DR	Low et al., J. Immunol. Methods, 194:59-70 (1996)
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FR	Nishikawa et al., J. Med. Micro., 40:55-61 (1994)
GR	O'Toole et al., Mol. Microbiol., 30(2):295-304 (1998)
HR	Renauld-Mongénie et al., Proc. Natl. Acad. of Sciences, 93:7944-7949
IR	Riesselman et al., J. Immunol. Methods, 145:153-160 (1991)
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KR	Rozalska et al., Med. Dosw. Mikrobiol., 50(1-2):115-133 (1998)
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MR	Sandros et al., Glycoconjugate Journal, 11:501-506 (1994)
NR	Sandros et al., Trends in MicroBiol., 1:161-196 (1993)
OR	Scheld et al., Infect. Immun., 40:950-955 (1983)
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SR	Tartera, Infect. Immun., 61:3084-3089 (1995)
TR	Torosantucci et al., J. Gen. MicroBiol., 136:1421-1428 (1990)
UR	Yu et al., Infect. Immun., 62:2834-2842 (1994)
VR	Montana Immuno Tech, Inc. Brochure, "Advanced Technology for Providing the Ideal Physiological Analysis (published after Jan. 1, 1996)
WR	Cover page from Science, 272:1-164 (1996) and accompanying description

Examiner

Date Considered:

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